

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Bail Appl..No. 6318 of 2015 ()

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CRIME NO. 84/2005 OF VADAKKEKARA POLICE STATION,
ERNAKULAM DISTRICT
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PETITIONER/ACCUSED :

**NELSON P.J., AGED 53 YEARS, S/O.JOHN,
PADAMATTUMMAL HOUSE, GOTHURUTH P.O.,
PIN-683 516.**

**BY ADVS.SRI.V.JOHN SEBASTIAN RALPH
SMT.PREETHY KARUNAKARAN
SRI.K.J.JOSEPH (ERNAKULAM)
SRI.V.JOHN THOMAS**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY SI OF POLICE
(CRIME NO.84/2005 OF VADAKKEKARA POLICE STATION,
ERNAKULAM) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6318 of 2015

Dated this the 9th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.84 of 2005 of Vadakkekara Police station registered for the offence punishable under Sec.8(2) of the Kerala Abkari Act. The case is now pending as L.P. No.5 of 2008 before the Additional Sessions Court-VII, Ernakulam. Due to his non appearance, warrant was issued against the petitioner. He seeks invocation of Sec.438 Cr.P.C. to prevent the arrest in execution of a warrant duly promulgated by a Court of competent jurisdiction. Sec.438 Cr.P.C. is not intended to stifle the warrant issued by a Court of competent jurisdiction. This is nothing but an abuse of the process of Court.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/09/10/2015

P.A. To Judge